

JONATHAN HUGH HUTCHINSON,	)	No. C 00-20936 RMW (PR)
	)	
Petitioner,	)	ORDER DENYING REQUEST
	)	FOR CERTIFICATE OF
vs.	)	APPEALABILITY
	)	
ROBERT L. AYERS,	)	
	)	
Respondent.	)	
	)	

Except for substituting the word “constitutional” for the word “federal,” section 2253(c)(2) codified the standard announced by the Supreme Court in Barefoot v. Estelle, 463 U.S. 880, 892–93 (1983). Slack, 529 U.S. at 475. In Barefoot, the court explained that “a substantial showing of the denial of [a] federal right” means that a petitioner “must demonstrate

1 that the issues are debatable among jurists of reason; that a court could resolve the issues [in a  
2 different manner], or that the questions are adequate to deserve encouragement to proceed  
3 further.” Barefoot, 463 U.S. at 893 n.4 (citations and internal quotations omitted). Any doubts  
4 about whether the Barefoot standard has been met must be resolved in petitioner’s favor.  
5 Lambright v. Stewart, 220 F.3d 1022, 1024–25 (9th Cir. 2000).

6 The court denied the instant petition after careful consideration of the merits. The court  
7 found no violation of petitioner’s federal constitutional rights in the underlying state court  
8 proceedings. Petitioner has failed to demonstrate that jurists of reason would find it debatable  
9 whether this court was correct in its ruling. Accordingly, the court will DENY petitioner’s  
10 request for a certificate of appealability.

11 The clerk shall serve notice of this order forthwith to the United States Court of Appeal  
12 and to the parties. See Fed. R. App. P. 24(a).

13 IT IS SO ORDERED.

14 DATED: 3/16/09

  
RONALD M. WHYTE  
United States District Judge